

REMARKS

This amendment is in response to the Office action, Paper No. 7, dated on the 14th of January 2004.

Status Of Claims

Claims 1 through 53 are pending. Claims 4 through 9, 11, 14 through 19, 21, 22, 25, 28 through 31, 33, 36 through 41, 43, 45 and 48 are amended. Independent apparatus claims 52 through 55, 57, 58 and 60 are newly presented.

Amendments to the Claims

Claims 4-9, 11, 14-19, 21, 28-31, 33, 36-41, and 43

In these claims, “pass word” has been changed to “password” in every occasion, in conformity with the written request of the Examiner; this change is not an amendment, and should be recognized as solely as Applicant’s compliance with the expression of personal preference by the Examiner.

Claim 21

Claim 21 is amended in line 9, to substitute “generating” for “generate” and to insert “with” after the comma.

Claim 22

Claim 22 is amended in line 5, to insert “with” after the comma.

Claim 23

Claim 23 is amended in line 2 to substitute “attachable” for “attached”, and in line 3, “computer to” is changed to “computer into”.

Claim 25

Claim 25 is amended to re-define Applicant’s “driver” to positively introduce the “switches” to define the relation between the “circuit” and the “display device”, and to define the “microcomputer” in terms of the “setting” operations (1)(2). Independent claim 25 has been amended to shift the various features defined between the computer, driver and microcomputer, and to delete the “plurality of switches”. Claims 25 through 27 are amended to clarify the relation between the “first computer circuit” and the “microcomputer circuit” to provide correct antecedent basis with the articles “said” and “a”, and to assure consistent tense of verbs throughout.

Claim 33

Claim 33 is amended in line 9 to change “to generate the analog” to “to generate analog”, in line 10 to change “the message” to “said variable visual representation” (two occurrences). Line 10 of claim 33 has been amended to conform to the amendment of parent claim 25, by substituting “said variable visual representation” in two instances for the phrase “message”.

Claim 34

Claim 34 has been amended in lines 5 and 6 to substitute the phrase “said variable visual representation” for the phrase “a message” in one instance, and to delete the phrase “the message

being composed in accordance with the digital information signal”, which is surplus language.

Claim 35

Independent claim 35 has been amended to substitute the article “a” for the article “the” in line 3. Claim 35 is amended in line 3 to change “the display” to “a display”.

Claim 45

Claim 45 is amended in lines 4 and 6 to change “said computer” to “the computer”, and in line 9 and 10 to change “if” to “when”, and in line 11 to change “code in memory” to “code stored in said memory”.

Claim 48

Independent claim 48 has been amended to incorporate Applicant’s processor in line 7 in the “comparing” step, and in line 8, to add a clause “responding to a determination by said microprocessor”, while shifting the phrase “disabling said display unit” and deleting “when” which is replaced by the article “by”. Line 11 has been amended to insert the phrase “microcomputer makes a determination that”, to assure correspondence between the “determination” introduced into line 8. Claim 48 is amended in line 3 to change “said computer” to “the computer”, in line 4 to change “produce an image” to “produce a visual image”, in line 6 to delete “system”, in line 7 to change “disabling said display unit” to “responding to a determination by said microprocessor that”, and in line 8, change “in memory” to “in memory, by disabling said display unit”, in line 9 to change “image” to “visual image”, to delete “sent”, and in line 10 to change “if said inputted

code” to “when said microcomputer makes a determination that inputted code”.

Claims 52 through 60

Independent Claims 52, 53, 54, 55, 57, 58 and 60 and newly added claim 56 dependent upon claim 55, and claim 59 dependent upon claim 58, are newly presented to more broadly, and to alternatively define the salient features of claim 25, by stating relations between the “driver”, “circuit” and the “microcomputer.”

These amendments conform to the original specification, set forth in column 3, beginning with line 37 and continuing through column 4, line 28. In accordance with 37 C.F.R. § 1.173, all amendments made to these claims, and newly presented claims 52 through 60, conform to the language of the unamended claims. Newly presented independent claims 52 through 60 are based upon the text of the patent, column 2, lines 1 through 38, and column 3, lines 1 through 67; and column 4, lines 1 through 28, which teach that as the output gain of a signal having R, G and B components from computer 10 becomes zero ... while OSD circuit 40 is still enabled.” Column 4, lines 13 through 16.

Rejection of Claims 1 through 50 under 35 U.S.C. § 251

The Examiner's express withdrawal of the rejection of claims 1 through 50 under 35 U.S.C. §251, is noted with appreciation.

Objection to Declaration

The Examiner's express withdrawal of the objection to Applicant's Declaration, is noted with appreciation.

Rejection of Claims 23-25, 32-35 and 45-51 under 35 U.S.C. § 102(e)

Claims 23 through 25, 32 through 35 and 45 through 51 under 35 were rejected under 35 U.S.C. §102(e) as anticipated by Lee *et al.* U.S. Patent No. 5,475,377. Applicant respectfully traverses this rejection for the following reasons, and concurrently explains the patentability of newly presented claims 52 through 56. In essence, Lee '377 fails to anticipate either claims 23 through 25, 32 through 35 and 45 through 51, or newly presented claims 52 through 56.

Lee U.S. Patent No. 5,475,377

Lee '377 contemplates an "electronic identification system" at least one "portable electronic apparatus" 100 (see Figures 1 and 8) "enabled by a user's password input, which, if a specific code loaded on a received call signal matches one of a plurality of specific codes registered in a first memory, loads a user access code corresponding to the match specific code onto an identification signal and transmits the access-code-loaded identification signal... ." ¹ "[P]ortable electronic apparatus" 100 is shown in Figure 1 with "display means 160" which is said to comprise "a display device (LCD, LED, etc.) and the LCD or LED driver, or [*sic*, "for"?] displaying data according to the key operation of input means 110, and data or an operating state according to the processing

¹ Lee '377, column 3, lines 7-13.

results of control means 120.”² An “automatic identification control apparatus” 200 (see Figures 1 and 9) “which, if access of a user in possession of the portable electronic apparatus is detected, transmits the specific-code-loaded call signal and receives the user-access-code-loaded identification signal which is generated in response to the call signal, and which, if the user access code loaded on the identification signal matches one of a plurality of user access codes registered in a second memory, then operates a piece of equipment to be controlled, thereby resulting in that the automatic identification control apparatus having a plurality of registered specific codes, one of which corresponding to the enabled portable electronic apparatus, performs a call and identification operation according to access request of the portable-electronic-apparatus-possession user.”³

A. The Lee U.S. Patent No. 5,475,377 Fails To Make A *Prima Facie* Teaching Of Anticipation Under 35 U.S.C. §102(e)

Claim 23

In support of the rejection of claim 23, the Examiner asserted that:

“Lee’s patent discloses a display device attached to a computer, displaying an image in (col. 6, lines 22-26). Lee teaches a circuit for converting electronic signals from computer to image in (col. 6, lines 12-17, lines 41-45). Lee teaches memory means for storing ID code data input via a user in (col. 4, lines 20-30). Lee teaches a microcomputer for controlling display device responsive to a result of a comparison between an ID code input by the user with ID code data stored in memory and for receiving signals from computer to control an operation of display device in (col. 12, lines 39-44; col. 16, lines 4-9, 20-29).” Paper No. 7, page 2.

² Lee ‘377, column 6, lines 21-25.

³ Lee ‘377, column 3, lines 13-27.

This interpretation of Lee '377 is at variance with the express language of Lee '377. By way of example, the Examiner argues that:

“Lee teaches a circuit for converting electronic signals from computer to image in (col. 6, lines 12-17; col., lines 41-45).”

The language of Lee '377 does not support this statement. Specifically, Lee '377 instead teaches that,

“[d]isplay means 160 ... [display] data according to the key operation of input means 110, and data or [*sic*, “of”?] an operating state according to the processing results of control means 120.” Column 6, lines 21-25.

“Also, automatic identification control apparatus 200 comprises a display means (e.g., LCD, LED, etc.) to display data and operational state, or comprises an I/O interface means to enable bi-directional communication with a computer.” Column 7, lines 45-49.

The “control means” referred to in the first excerpt of these two passages cited by the Examiner refer not to the “control means” (*i.e.*, microcomputer 220) of the automatic identification control apparatus 200, by the “control means” (*i.e.*, microcomputer 120) of the portable electronic apparatus 100. Moreover, Lee '377 has no discussion of automatic identification control apparatus 200 in column 6, lines 1 through 55. In short, the display by LCD driver 160 is wholly internal to “portable electronic apparatus” 100, and under the control of “control means” (*i.e.*, microcomputer 120) of the portable electronic apparatus 100.

The “control means” referred to in the second excerpt of these two passages cited by the Examiner refer however, to the “control means” (*i.e.*, microcomputer 220) of the automatic identification control apparatus 200, and to a “display means” such as “display means 710” illustrated in Figures 19A, 19B. A thorough reading of Lee '377 establishes what is illustrated by

Figure 20 of Lee '377, namely that the display of an image of XC by display device 710 prior to the first CAS reception (column 15, line 42) corresponds to an “electronic signal” from microprocessor 220, not microprocessor 120; and the display of an image by display device 160 of PPA after the third CAS reception (column 16, lines 26, 27) corresponds to an “electronic signal” from microprocessor 120, not microprocessor 220. Similarly, each image by display 710 is initiated by microprocessor 220, not microprocessor 120. This scenario is consistent throughout Figure 20. Microprocessor 220 can not be said to both control “said display device in response to a result of a comparison between an ID code in put by said user with said ID code data stored” and to receive “signals from said computer to control an operation of said display device” as defined by claim 23.

The Examiner also asserts that,

“Lee teaches a microcomputer for controlling display device responsive to a result of a comparison between an ID code input by the user with ID code data stored in memory and for receiving signals from computer to control an operation of display device in (col. 12, lines 39-44; col. 16, lines 4-9, 20-29).”

Column 12 however, describes the operation illustrated by Figure 12 of the *portable master key 100*, and the excerpt from lines 39 through 44 cited by the Examiner reads:

“Then, it is determined whether the specific code matches the stored specific code (step 410), and if so, the received data is stored (step 411). Next, it is checked to determine whether the received data is complete (step 412), and if so, *the received data is displayed via display means 160* (step 413).” Column 12, lines 39-44.

In other words, unlike Applicant’s claim 23 which includes, *inter alia*, a “circuit for converting electronic signals from said computer to said image” displayed by Applicant’s “display device”,

in combination with a “microcomputer for controlling said display device responsive to a result of a comparison between and ID code”, the received data that is displayed by *display means 160*, is controlled by microcomputer 120 of portable master key 100. This fails to anticipate Applicant’s claim 23.

Column 16, lines 4 through 9 describe “cash registration apparatus 700”, which is described as “in cash registration apparatus 700, automatic identification apparatus 200 further comprised display 710 ...” illustrated in Figures 18 through 20.⁴ The text of column 16, lines 4 through 9, states:

“Cash registration apparatus 700 receives the identification signal and detects the UADD loaded on the received identification signal. If the detected UADD is identical to the input UADD, completion of the registration of the specific code and the user’s secret code is displayed” Column 16, lines 4 through 9.

This display is performed by “control means 220” driving “display 710”, as shown in Figures 19A and 19B of Lee ‘377. In contradistinction, Applicant’s claim 23 defines *inter alia*, a “circuit for converting electronic signals from said computer to said image” displayed by Applicant’s “display device”, in combination with a “microcomputer for controlling said display device responsive to a result of a comparison between and ID code.” This combination is wholly absent from column 16, lines 4 through 9 of Lee ‘377; consequently, there is no anticipation.

Column 16, lines 20 through 29 of Lee ‘377 cited by the Examiner, describe the operation

⁴ Lee ‘377, column 15, lines 26-28.

of “portable electronic apparatus 100”, rather than “cash registration apparatus 700”,⁵ read:

“Portable electronic apparatus 100 received the call signal, that is, the CAS (XC + UADD +PPA), Then, if the detected XC is identical to the XC stored in address UADD, the PPA is written in a predetermined memory region 135 as shown in FIG. 5. If such writing is completed, the *control means* of the portable electronic apparatus instructs the *display portion* to display the amount of the written PPA” Column 16, lines 20 through 29.

Unlike Applicant’s claim 23, where a “circuit for converting electronic signals from said computer to said image” displayed by Applicant’s “display device”, in combination with a “microcomputer for controlling said display device responsive to a result of a comparison between and ID code”, “*control means* [120] of the portable electronic apparatus [100] instructs the *display portion* [160] to display the amount of the written PPA” This scenario occurs wholly with portable electronic apparatus 100, and fails to teach either Applicant’s defined circuit or Applicant’s defined microcomputer; consequently, claim 23 is not anticipated by Lee ‘377.

It is difficult to understand how the Examiner has misinterpreted these passages of Lee ‘377. The Examiner appears to have attempted to string isolated passages of Lee ‘377 together, even those passages describe operations of different embodiments. Paper No. 7 fails to meet the administrative mandate for completeness set forth in 37 CFR §1.104(a), (b) and (c), an error that is particularly difficult for the Applicant in view of the extreme complexity of Lee ‘377, which contains thirty sheets of drawings. The Examiner is therefore, respectfully requested, to provide clarification in accordance with 37 CFR §1.104(b)(1) and (2) by:

- identifying the particular parts particular parts of the applied art relied upon in

⁵ Lee ‘377, column 16, line 20.

column 12, lines 39-44 of Lee '377, as teaching Applicant's combination of a "display device", "a circuit for converting electronic signals from said computer to said image", and "a microcomputer for controlling said display device" and "for receiving signals from said computer to control an operation of said display device" as defined by Applicant's claim 23.

- identifying the particular parts of the applied art relied upon in column 16, lines 4-9 of Lee '377, as teaching Applicant's combination of a "display device", "a circuit for converting electronic signals from said computer to said image", and "a microcomputer for controlling said display device" and "for receiving signals from said computer to control an operation of said display device" as defined by Applicant's claim 23.
- identifying the particular parts of the applied art relied upon in column 16, lines 20-29 of Lee '377, as teaching Applicant's combination of a "display device", "a circuit for converting electronic signals from said computer to said image", and "a microcomputer for controlling said display device" and "for receiving signals from said computer to control an operation of said display device" as defined by Applicant's claim 23.

Absent clarification in conformity with 37 CFR §1.104(b)(2), withdrawal of this rejection is respectfully requested.

Claim 25

In support of the rejection of claim 25, the Examiner wrote that:

“Lee discloses driving computer image signals from a computer in the display driver to provide image signals to drive a display in (col. 6, lines 22-26). Lee discloses converting digital information signals from the microcomputer into image signals in the circuit in (col. 7, lines 42-44). Lee discloses forming a keyed ID code in the microcomputer from keypad inputs (Fig. 2B). Lee discloses determining in the microcomputer when the stored ID code is unequal to the keyed ID code and setting the computer and the display driver to be in disconnected state when the microcomputer determines that the stored ID code is unequal to the keyed ID code in (col. 6, lines 1-3; col. 10, lines 5031 [*sic*] and col. 12, lines 36-44; col. 16, lines 25-29).” Paper No. 7, page 3.

A thorough reading of Lee ‘377 does not support the Examiner’s statement. By way of example, the Examiner argues that column 6, lines 22-26 of Lee ‘377 “driving computer image signals from a computer in the display driver to provide image signals to drive a display.” This passage of Lee ‘377 describes the operation of portable electronic apparatus 100, a structure which has but a single “control means 120”, as opposed to Applicant’s combination of “a driver to drive ... to display an image from said computer” and “the first computer circuit coupled to said driver to control gain of the driver” and “microcomputer coupled to switches that are coupled between the first computer and the driver.” Consequently, this feature of Applicant’s claim 25 is not taught by Lee ‘377.

The Examiner next cites col. 7, lines 42-44 of Lee ‘377 as disclosing “converting digital information signals from the microcomputer into image signals in the circuit,” and then the Examiner relies upon Figure 2B of Lee ‘377 as disclosing the formation of “a keyed ID code in the microcomputer from keypad inputs.” The Examiner completely ignores however, that column 7

of Lee '377 is devoted to an explanation of the operation of "automatic identification control apparatus 100" and its display means, such as display 710 shown in Figure 19A, 19B, while Figure 2B shows one of the "various embodiments of the portable electronic apparatus shown in Fig. 1." Paper No. 7 fails to explain precisely which parts the Examiner relies upon in the automatic identification control apparatus 200 to drive LCD 160 in Figure 2B. Consequently, Action No. 7 is incomplete. Clarification is respectfully requested.

The Examiner relies upon col. 6, lines 1-3, col. 10, lines 5031 [*sic*], col. 12, lines 36-44, and col. 16, lines 25-29 to support and assertion that Lee '377 "discloses determining in the microcomputer when the stored ID code is unequal to the keyed ID code and setting the computer and the display driver to be in disconnected state when the microcomputer determines that the stored ID code is unequal to the keyed ID code."

The foregoing comparison of the actual text of Lee '377 cited by the Examiner to support the rejection of claims 23 through 25, 32 through 35 and 45 through 51 under 35 U.S.C. §102(e) demonstrate that a through reading of Lee '377 fails to teach the structure defined by the claims rejected. Withdrawal of this rejection is required.

B. The Rejection Of Claims 23 Through 25, 32 Through 35 And 45 Through 51 Under 35 U.S.C. §102(e) As Anticipated by Lee *et al.* U.S. Patent No. 5,475,377 Improperly Fails 35 U.S.C. §102(e) To Comply With The Requirement To Consider *The Invention Defined By Each Of The Rejected Claims*

The foregoing comparison of the actual text of Lee '377 cited by the Examiner to support the rejection of claims 23 through 25, 32 through 35 and 45 through 51 under 35 U.S.C. §102(e)

relies upon paraphrases of the language of the pending claims, rather than upon the express language of those claims; in essence, Paper No. 7 improperly fails to consider “the invention” defined by the rejected claims.⁶

Claim 23

In support of the rejection of claim 23, the Examiner asserted that:

“Lee’s patent discloses a display device attached to a computer, displaying an image in (col. 6, lines 22-26). Lee teaches a circuit for converting electronic signals from computer to image in (col. 6, lines 12-17, lines 41-45). Lee teaches memory means for storing ID code data input via a user in (col. 4, lines 20-30). Lee teaches a microcomputer for controlling display device responsive to a result of a comparison between an ID code input by the user with ID code data stored in memory and for receiving signals from computer to control an operation of display device in (col. 12, lines 39-44; col. 16, lines 4-9, 20-29).” Paper No. 7, page 2.

The assertion by Paper No. 7 that “Lee’s patent discloses a display device attached to a computer, displaying an image in (col. 6, lines 22-26) and “a microcomputer for controlling display device responsive to a result of a comparison between an ID code input by the user with ID code data stored in memory and for receiving signals from computer to control an operation of display device in (col. 12, lines 39-44; col. 16, lines 4-9, 20-29)” ignores the fact that as disclosed by Lee ‘377, neither microprocessor 120 nor microprocessor 220 both controls “said display device in response to a result of a comparison between an ID code input by said user with said ID code data stored” and receives “signals from said computer to control an operation of said display device” as defined

⁶ 35 U.S.C. §102(e) required “[t]he invention” to be considered when a determination of anticipation is made. The “invention” is defined under the second paragraph of 35 U.S.C. §112, as the “*claims* particular pointing out and distinctly claiming the subject matter which the applicant regards as his *invention*.”

by claim 23. Paper No. 7 has paraphrased the language of claim 23 by substituting the phrase “displaying an image” for Applicant’s “display device”, and thereby failing to consider the language of Applicant’s claim 23 in its entirety. Consequently, the Examiner has failed to make a *prima facie* showing of anticipation. Absent a teaching of each and all features of claim 23, withdrawal of the rejection is required.

The rejection of claims 23 through 25, 32 through 35 and 45 through 51 under 35 U.S.C. §102(e) inaccurately relies upon paraphrases of the language of the pending claims, rather than upon the express language of those claims, and is therefore improper under the requirement of 35 U.S.C. §102(e).⁷ Withdrawal of this rejection is required.

Claim 25, 35, 52 & 53

Independent claim 25 has been amended to shift the various features defined between the computer, driver and microcomputer, and to delete the “plurality of switches”. Claims 52 and 53 are newly added to more broadly define the salient features of claim 25.

In support of these rejections, the Examiner argues that:

“Lee discloses driving computer image signals from a computer in

⁷ 35 U.S.C. §102(e) required “[t]he invention” to be considered when a determination of anticipation is made. The “invention” is defined under the second paragraph of 35 U.S.C. §112, as the “*claims* particular pointing out and distinctly claiming the subject matter which the applicant regards as his *invention*.”

a display driver to provide image signals to drive a display in (col. 6, lines 22-26). Lee discloses converting digital information signals from the microcomputer into image signals in a circuit in (col. 7, lines 42-47).” Paper No. 7, page 2.

The Examiner ignores the fact that column 6 describes the operation of portable electronic apparatus and its display device, while column 7 teaches the operation of automatic identification control apparatus 200 and its “display means.” The Examiner fails to identify any transfer of either “image signals” or “digital information signals” converted into “image signals” applied by automatic identification control apparatus 200 to the display of portable electronic apparatus 100. Consequently, the Examiner has failed to demonstrate the teaching of all features and elements of claims 25 and 35, as well as the alternative definitions of these features written in newly added claims 52 through 60. Consequently, anticipation does not exist, and these claims are allowable over the art of record.

Claims 45, 48 & 51

First, in support of the rejection under 35 U.S.C. § 102(e) of independent claims 45, 48 and 51, the Examiner repeats the same assertion about the portable electronic apparatus 100 mentioned in column 6, lines 22-26, and additionally relies upon teachings about apparatus 100 set forth in column 6, lines 12-17 in conjunction with the discussions of Lee ‘377 set forth in column 7, lines 41-45. Again, the Examiner makes an effort of avoid identifying the combination set forth in rejected claim 45 of a display unit driven by a computer enabled in response to a password identification code, in conjunction with Applicant’s “circuit for disabling” the driver matched by

the password identification code. In fact, Lee '377 is devoid of any disabling of a driver for either of the two displays 160, 710 respectively, incorporating into portable electronic apparatus 100 and automatic identification control apparatus 200. Therefore, there is no *prima facie* showing of anticipation.

Second, Applicant's apparatus claim 45 defines a circuit "for disabling said driver" while Applicant's method claim 48 includes a step of "disabling said display unit"; neither circuit nor step are provided by the Examiner's proposed combination. In short, the Examiner has failed to provide a *prima facie* showing of anticipation of Applicant's claims 45 and 48. It is Applicant's disabling of the driver that advantageously enables Applicant to use an access code to block specific viewing, while allowing the microcomputer to independently control the images formed upon Applicant's display device. These features are absent from the Examiner's proposed combination. Accordingly, this rejection is incomplete, fails to make a *prima facie* showing of anticipation, and the rejection must be withdrawn.

Moreover, the Examiner's reliance upon Lee '377 fails to show Applicant's combination of Applicant's claim 48, with "disabling" and "enabling" the display unit on the basis of any "math"; Lee '377 simply fails to comprehend this feature, and instead, relies upon displays 160, 710 to continuously provide images, without disablement.

Independent claim 51 defines the specific relation between a "display device" and "a microcomputer interrupting said display device in dependence upon" a relation between ID code data "while continuously controlling said presentation based on control signals simultaneously

provided ... concurrently with said image information signals.” Where is this feature found in Lee ‘377, given the independent and separate operation by portable electronic apparatus 100 and automatic identification control apparatus 200 of their respective display means 160, 710? Clarification under 37 C.F.R. §1.104(b)(1) is respectfully requested. Absent this, withdrawal of this rejection and allowance of claims 45 and 48 through 51 is requested.

Rejection of Claims 26-31 and 36-44 under 35 U.S.C. § 103(a)

Claims 26 through 31 and 36 through 44 were rejected under 35 U.S.C. § 103(a) as rendered obvious by a proposed combination of Lee '377 modified according to Hale *et al.*, U.S. Patent No. 5,355,414. Applicant respectfully traverses this rejection for the following reasons.

First, Hale ‘414 purports to disclose a security system for computers that use a keyboard controller as an interface between the host computer and the keyboard of other peripheral input devices. The Examiner relies upon Hale ‘414 as disclosing a step “of confirming [the] the flag indicating [that] a password system is enabled/disabled in (col. 7, lines 23-28; col. 9, lines 13-25).” This passages simply teach setting of a flag to indicate whether passwords are enabled, or disabled. What the Examiner ignores however, that Hale fails to remedy the foregoing deficiencies noted in the primary reference. Moreover, Hale teaches a signal display 150 given by signal host 110. Consequently, modifying the primary reference to incorporate the flag indication of Hale ‘414 fails to make a *prima facie* showing of obviousness. Withdrawal of this rejection is required.

Second, the Examiner proposed to incorporate the password flag of Hale ‘414 into the

primary reference. Lee '377 however, teaches that portable electronic apparatus 100 relies upon automatic identification control apparatus 200 to maintain "specific codes and user's password" modification of the primary reference to incorporate the "flag system, as taught by Hale" with the "password system disclosed in Lee in order to alert the user status of the system" impermissibly prevents portable electronic apparatus from freely addressing the automatic identification control apparatus as is contemplated by the primary reference. In short, the Examiner's proposed modification impermissibly prevents the primary reference from being used in its intended mode of operation. This rejection is therefore improper.

Third, the Examiner has identified no motivation for modifying the primary reference to enclose the "flag indicating a password system" of Hale '414. Nowhere does Paper No. 7 identify any basis in the applied art, suggesting or teaching the desirability of such a modification. In short, not only the modification of the primary reference undesirable, and not only does the Examiner's proposed modification renders the primary reference inoperable, the modification is undesirable. In essence, there is no basis for making the proposed modification except through an impermissible hindsight reconstruction of the art in light of the teachings set forth in Applicant's claims. This itself is convincing evidence of non-obviousness. Withdrawal of the rejection is required.

Fourth, not only do these references fail to make a *prima facie* showing of obviousness, neither of these references contains Applicant's combination of the video amplifier,

microcomputer, on-screen circuit and mixer. Note should be given to the fact that the Examiner has proposed no modification of either reference to support this rejection. Accordingly, there is a complete absence of *prima facie* showing of obviousness. Withdrawal of this rejection is therefore required. Withdrawal of the rejection of claims 26 through 31 and 36 through 44 is therefore required.

Claims 1-22

The allowance of claims 1 through 22 is noted with appreciation.

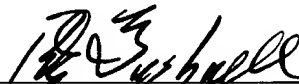
Fees Incurred

A fee of \$764.00 is incurred by the addition of seven (7) independent claims in excess of total 9 and nine (9) total claims in excess of total 51. In addition, a fee of \$110.00 is incurred by a Petition for a one month extension of time concurrently submitted with this Amendment. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Conclusion

In view of the above, this application is deemed to be in condition for allowance. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

Folio: P56219RE
Date: 5/14/04
I.D.: REB/kf